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7 Attorney for Plaintiffs

8 **UNITED STATES DISTRICT COURT**  
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10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **San Francisco Division**

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13 HENRY A. KLYCE and CAROLE M.  
14 KLYCE,

15 Plaintiffs,

16 v.

17 DOES 1-10,

18 Defendants.

CASE NO. 11 CV 02248 WHA

**DECLARATION OF ROBERT A.  
SPANNER IN SUPPORT OF  
PLAINTIFFS' SUPPLEMENTAL *EX  
PARTE* APPLICATION FOR LEAVE  
TO TAKE FOLLOW-ON EXPEDITED  
DISCOVERY, AND MOTION FOR  
ORDER SHORTENING TIME**

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20 1. I am counsel for Plaintiffs herein. This declaration is made on personal knowledge.

21 2. In response to Plaintiffs' subpoena, I received from Yahoo! on June 29, 2011 eleven  
22 single-spaced pages of log-ins into Carole Klyce' account, with each line consisting of an  
23 individual log-in. The documents identified hundreds of log-ins into Plaintiff Carole Klyce'  
24 email account at Yahoo! by about eight IP addresses.

25 3. Each of the ISP's maintain an information page for persons seeking to serve  
26 subpoenas. The Comcast legal compliance page indicated that if log-in information was being  
27

1 sought, Comcast only retained 180 days of such data. I therefore served preservation demands  
2 on Verizon, Comcast, and Time Warner Cable by resort to the fax number for subpoenas  
3 provided by each of them.  
4

5 4. Plaintiffs' expert pointed out, and I observed from the records, that some of the  
6 unauthorized log-ins by one particular IP address had occurred during the first week of January,  
7 2011.

8 I declare under penalty of perjury under the laws of the State of California that the  
9 foregoing is true and correct.

10 Executed this 7th day of July, 2011.  
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12  
13 /s/ Robert A. Spanner

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Robert A. Spanner  
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